

**REMARKS**

This paper is responsive to the Office Action dated 02 February 2006. Applicants disagree with all the objections, rejections, and assertions presented in the Office Action. The claims have been amended to clarify that the multilayer reflective polarizing films are polymeric films.

Claims 1-31 are pending.

**Specification Objection**

The specification was objected to as trying to incorporate subject matter relied upon to overcome a rejection and was also objected to as trying to incorporate by reference a non-US patent document. Applicants respectfully disagree with these rejections.

Applicants assert that one of ordinary skill in the art understands the meaning of "Pressure Sensitive Adhesive." Contrary to the Examiner's assertions, Applicants are not attempting to use the reference to the Handbook of Pressure Sensitive Adhesive Technology to provide a special definition of "Pressure Sensitive Adhesive" that is different from the ordinary dictionary definitions of each of these three words. Rather, Applicants are relying upon the definition of this term as understood by those of even ordinary skill in the art. "Pressure Sensitive Adhesive" is a well-known term of art. Moreover, the originally filed application includes a fully enabling disclosure of these adhesives.

Merely to facilitate prosecution, Applicants have amended the specification to remove reference to the offending non-patent document. Favorable reconsideration is respectfully requested.

**102 Rejections**

Claims 18-23 are rejected under 35 USC 102(e) as being anticipated by Katsumata et al. (US 6,829,090). Applicants respectfully disagree. In order to anticipate, the cited reference must disclose each and every claimed element. Katsumata et al. fail to do so, particularly with respect to the claims as amended.

Claim 18 now recites a method of making a polarizing beam splitter by disposing a pressure sensitive adhesive between a polymeric multilayer reflective polarizing film and a first rigid cover. The polymeric multilayer reflective polarizing film includes alternating layers of two polymeric materials, at least one of which is birefringent and oriented. The cited reference does not describe such a polarizing beam splitter and thus cannot, inherently, disclose a method of making such a polarizing beam splitter.

In particular, Katsumata et al. describe a laminate that includes a metal diffraction grid sandwiched between two layers of glass. Such a laminate cannot be considered to be a polymeric multilayer reflective polarizing film. Thus, the reference cannot be considered as describing the claimed method step of disposing a pressure sensitive adhesive on a polymeric multilayer reflective polarizing film. This is a claimed element not shown by the reference, and thus Katsumata et al. cannot be considered as anticipatory. Favorable reconsideration is respectfully requested.

### **103 Rejections**

Claims 1-17 and 24-31 were rejected under 103(a) as being unpatentable over Kusano et al., (U.S. 6,386,710) in view of Schrenk et al. (U.S. 5,872,653) and in view of Katsumata et al. (U.S. 6,829,090). Applicants respectfully disagree.

The Examiner has asserted that Kusano et al. disclose a polarizing beam splitter that includes, among other elements, a polarizing film (1d). This is not correct. A careful review of the reference reveals that Kusano et al. describe a reflective structure that is formed by combining a first glass prism having a refractive index of 1.84, a second glass prism having a refractive index of 1.84, and an angled adhesive layer disposed between the first and second glass prisms, the adhesive layer having a refractive index of 1.42. Light is refracted by virtue of the varying thickness of the adhesive layer. Element (1d) appears to be nothing more than a surface of prism (1a). Thus, Kusano et al. do not disclose or suggest a multilayer reflecting polarizing film.

The Examiner has asserted that it would be obvious to use the film allegedly disclosed by Schrenk et al. in the device taught by Kusano et al. This is simply not correct. As noted, Kusano

et al. do not disclose a film, and one of skill in the art will recognize that Schrenk et al.'s film cannot simply be substituted into the structure taught by Kusano et al. These structures simply are not combinable without substantially changing the function of Kusano et al.' structure. Such a combination cannot be considered to be obvious. Therefore, there is no appropriate motivation to combine these references as suggested, because one of ordinary skill in the art would have no expectation of success. Thus, a required element of a *prima facie* obviousness rejection is missing, and the rejection is flawed and therefore should be withdrawn.

Moreover, neither Kusano et al. nor Schrenk et al. disclose a pressure sensitive adhesive. The Examiner has relied upon Katsumata et al. to disclose use of a pressure sensitive adhesive. However, Katsumata et al. merely disclose using a soft adhesive between two layers of glass (glass layer (22) and glass prism (24)). Katsumata et al. do not disclose using a pressure sensitive adhesive between a rigid cover and a polymeric multilayer reflective polarizing film and thus Katsumata et al. fail to remedy the noted shortcomings of Kusano et al. and Schrenk et al. Again, the *prima facie* obvious rejection is flawed and should be withdrawn.

With particular reference to claim 8, it is noted that the Examiner has stated "Kusano teaches an adhesive (1c) disposed between the first multilayer reflective polarizing film and the second multilayer reflective polarizing film." As stated above, however, Kusano et al. do not describe or suggest any multilayer reflective films, and thus cannot be considered as teaching an adhesive between two such films. Favorable reconsideration is respectfully requested.

**CONCLUSION**

In view of the above, Applicants submits that pending claims are in condition for allowance. Reconsideration is respectfully requested and a Notice of Allowance is earnestly solicited. Please continue to transmit any subsequent Communications to:


Mr. George Jonas  
3M Innovative Properties, Inc.  
P.O. Box 33427  
St. Paul, MN, 55133-3427

Respectfully submitted,

Dated:

3 April 2006

By:

  
Brian C. Whipps, Reg. No. 43,261  
BCW:KCH

CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349